

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

LARRY B. JOHNSON,

Plaintiff,

v.

JAMES W. VOLBERDING,

Defendant.

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2:18-CV-86-M

ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
and DENYING CERTIFICATE OF APPEALABILITY

The United States Magistrate Judge entered Findings, Conclusions and Recommendation in this case, to which petitioner filed objections. The undersigned United States District Judge has reviewed *de novo* those portions of the Findings, Conclusions and Recommendation to which objection was made and reviewed the remaining Findings, Conclusions and Recommendation for plain error. Finding no error, the undersigned District Judge ACCEPTS the Findings, Conclusions and Recommendation of the Magistrate Judge.


Considering the record in this case and pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure, the Court DENIES petitioner a certificate of appealability. The Court accepts and incorporates by reference the Magistrate Judge's Findings, Conclusions and Recommendation filed in this case in support of its finding that the Court lacks subject-matter jurisdiction.

In the event petitioner files a notice of appeal:

() petitioner will proceed *in forma pauperis* on appeal.

(X) petitioner will need to pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis*.

SO ORDERED this 9th day of July, 2018.



BARBARA M. G. LYNN
CHIEF JUDGE